

Court of Appeals, State of Michigan

ORDER

Vicki A Schiro v William A Schiro

Docket No. 252621

LC No. 02-001934-DM

Richard Allen Griffin
Presiding Judge

Peter D. O'Connell

Patrick M. Meter
Judges

The Court orders that the motion to vacate the trial court's January 12, 2005, postjudgment order is DENIED, without prejudice to the defendant filing a delayed application for leave to appeal from the postjudgment order. MCR 7.205(F). Recognizing that the trial court's authority to enter the order was limited by MCR 7.208(A), we further order *nunc pro tunc* that the trial court's postjudgment order was validly entered January 12, 2005, pursuant to MCR 7.208(A)(1).

This Court retains jurisdiction, and the claim of appeal remains pending.

O'Connell, J. would treat the motion to vacate as an application for leave to appeal, would grant the application for leave to appeal and consolidate this issue with the pending case, and would stay the lower court order amending the judgment.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 22 2005
Date

Sandra Schultz Mengel
Chief Clerk